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Summary record of the 37th meeting
Held at Headquarters, New York, on Thursday, 2 November 2006, at 3 p.m.

Chairman: Mr. Al Bayati ..... (Iraq)

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06-59818 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 68: Report of the Human Rights Council (*continued*) (A/C.3/61/L.17 and L.18)

Draft resolution A/C.3/61/L.17: International Convention for the Protection of All Persons from Enforced Disappearance

1. **Mr. Fieschi** (France), introducing the draft resolution on behalf of the original sponsors, said that, if adopted, the International Convention for the Protection of All Persons from Enforced Disappearance annexed thereto would recognize enforced disappearance as a crime and would prohibit secret detention and unofficial places of detention. It contained an innovative form of follow-up involving independent experts who would meet with representatives of States parties and carry out on-site visits as needed. Family and friends of the disappeared would have the right to know the circumstances of disappearance and the fate of the disappeared. Adoptions arising out of enforced disappearance would be illegal.

2. **The Chairman** announced that Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bosnia and Herzegovina, Costa Rica, Côte d'Ivoire, the Dominican Republic, Guatemala, Japan, Jordan, Liberia, Senegal, Sweden, Ukraine and Uruguay had joined the sponsors, bringing the total number of sponsors to 80.

Draft resolution A/C.3/61/L.18, with annex containing the United Nations Declaration on the Rights of Indigenous Peoples

3. **Mr. Chávez** (Peru), introducing the draft resolution on behalf of the original sponsors and Bosnia and Herzegovina, Cameroon, Costa Rica, Cyprus, the Dominican Republic, Finland, Germany, Sweden and Switzerland, said that the Declaration annexed to the draft resolution sought to establish a new relationship between States and indigenous peoples. In particular, it was designed to promote development opportunities for indigenous peoples.

4. **Mr. Berruga** (Mexico) said that, regardless of whether or not the President of the Human Rights Council was present, the Third Committee should take a decision immediately on the two draft resolutions. It was worrisome that the actions of the Third Committee could be delayed because the representative of a subsidiary body of the General Assembly was not present. It was even more worrisome that issues which had been settled following 24 years of discussion could be reopened.

5. **The Chairman** said that it was the role of the sponsors to advise the Chairman on how to proceed.

Agenda item 98: Crime prevention and criminal justice (*continued*) (A/C.3/61/L.9/Rev.1)

Agenda item 99: International drug control (*continued*) (A/C.3/61/L.8/Rev.2)

Draft resolution (A/C.3/61/L.9/Rev.1): Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

6. **Mr. Gustafik** (Secretary of the Committee) said that, as extrabudgetary resources would be available, the draft resolution would not entail any additional appropriations.

7. **Ms. Zarra** (Italy), speaking on behalf of the sponsors, said that five new paragraphs had been added with the aim of strengthening the draft resolution. Argentina, Armenia, Azerbaijan, Bangladesh, Belgium, Burkina Faso, Chile, Côte d'Ivoire, Croatia, Cuba, Jamaica, Japan, Jordan, Mali, Moldova (Republic of), Myanmar, Norway, Paraguay, the Russian Federation, San Marino, Serbia, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam had become sponsors.

8. **The Chairman** said that the following countries had also become sponsors: Afghanistan, Albania, Algeria, Angola, Belarus, Bosnia and Herzegovina, Cameroon, Cape Verde, China, the Democratic Republic of the Congo, Egypt, El Salvador, Estonia, France, Georgia, Ghana, Iceland, Indonesia, Iraq, Kazakhstan, Kenya, Lesotho, Liberia, Madagascar, Malawi, Malta, Mongolia, Mozambique, Peru, the Philippines, Portugal, the Republic of Korea, Senegal, Sierra Leone, the Sudan, Swaziland, Sweden, Turkey, Ukraine, the United Republic of Tanzania, Zambia and Zimbabwe.

9. **Ms. Petersen** (Bolivarian Republic of Venezuela) said that her delegation wished to place on record its reservation with regard to the last part of paragraph 4. It was not appropriate to establish a direct and

permanent connection between terrorism and transnational organized crime, inasmuch as the motives underlying the two types of crimes were different. Moreover, the text showed a disregard for the right to due process and the presumption of innocence, which were universally recognized human rights. Her country was firmly committed to the fight against transnational organized crime and recognized the importance of international cooperation in keeping with the principle of shared responsibility. It therefore joined the consensus for the adoption of the draft resolution.

10. *Draft resolution A/C.3/61/L.9/Rev.1 was adopted by consensus.*

Draft resolution A/C.3/61/L.8/Rev.2: International cooperation against the world drug problem

11. **Mr. Khane** (Secretary of the Committee), reporting on the financial implications of paragraphs 29 to 35 of the draft resolution, said that by resolution 60/247 A the General Assembly had approved an allocation of $31,527,800 under section 16, International drug control, crime prevention and criminal justice, of the programme budget for the biennium 2006-2007. Extrabudgetary resources had been projected at $250,420,000 for the same section for that same period. Draft resolution A/C.3/61/L.8/Rev.2 would not entail any additional appropriation for the biennium. The provision on strengthening the United Nations machinery for international drug control (para. 29) would be considered in accordance with established budgetary procedures.

12. **Ms. Feller** (Mexico) announced that the following countries had joined the sponsors of the draft resolution: Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Bangladesh, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Cape Verde, Croatia, Cyprus, the Democratic Republic of the Congo, Denmark, Finland, Germany, Guyana, Hungary, Iceland, Indonesia, Italy, Jamaica, Jordan, Kazakhstan, Kyrgyzstan, the Lao People's Democratic Republic, Latvia, Madagascar, Malawi, Malaysia, Mauritius, Moldova (Republic of), Mongolia, Norway, the Philippines, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, the Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uzbekistan and Viet Nam.

13. In order to facilitate consensus, the sponsors had held informal consultations, which had resulted in the inclusion of additional proposals. The revised text focused on the challenges and measures arising from the 10-year assessment of the implementation by Member States of the goals and targets of the twentieth special session of the General Assembly and included specific recommendations for countering drug abuse and illicit production and trafficking. It also provided for the strengthening of cooperation between governments, the United Nations Office on Drugs and Crime (UNODC) and other relevant actors, including civil society.

14. **Mr. Khane** (Secretary of the Committee) announced that the following countries had joined the sponsors of the draft resolution: Albania, Angola, Côte d'Ivoire, the Czech Republic, Egypt, Estonia, Georgia, Iraq, Kenya, Lesotho, Liberia, Lithuania, Mali, Mauritania, Mozambique, Nepal, Senegal, Sierra Leone, Swaziland, Turkey, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.

15. **Ms. Petersen** (Bolivarian Republic of Venezuela) said that her delegation wished to place on record its reservation with regard to the fifth preambular paragraph. It was not appropriate to establish a direct and permanent connection between terrorism and drug trafficking, inasmuch as the motives underlying the two types of crimes were different. Moreover, the text showed a disregard for the right to due process and the presumption of innocence, which were universally recognized human rights. Nevertheless, her country was firmly committed to the fight against drugs and recognized the importance of international cooperation in keeping with the principle of shared responsibility, and it therefore joined the consensus for the adoption of the draft resolution.

16. *Draft resolution A/C.3/61/L.8/Rev.2 was adopted by consensus.*

17. **Mr. Degia** (Barbados), speaking on behalf of the States members of the Caribbean Community (CARICOM), said that his statement also referred to draft resolution A/C.3/61/L.9/Rev.1. Many CARICOM States were traditionally sponsors of the draft resolutions on the agenda items relating to crime and drugs, and they had joined the consensus

on draft resolutions A/C.3/61/L.9/Rev.1 and A/C.3/61/L.8/Rev.2. The CARICOM delegations had participated in the negotiations, particularly on an issue that was critical to them, namely, the closing of local and regional offices of UNODC in developing countries. Although the CARICOM countries had proposed a balanced paragraph, for the sake of consensus they had accepted compromise language.

18. The CARICOM countries were neither suppliers of nor major demand areas for illicit drugs. They were not arms producers or exporters, nor did they import arms on a large scale. Yet, because of their geographical position and external factors largely beyond their control, they were affected by the scourge of transnational organized crime, illicit trade in small arms and light weapons, and drug trafficking. The UNODC office in Barbados served a total of 29 States and territories, and the technical assistance it provided was extremely important to the Caribbean region. The CARICOM countries were perplexed and concerned about the scaling down of its operations and the decision to ultimately close it. Reference had been made to a lack of funding and absence of projects, but he wished to point out that a number of projects had already been implemented and others were planned for the future. The resources allocated to the Caribbean region were relatively insignificant considering the magnitude of the threat and compared with the amounts provided for other areas; moreover, they had steadily declined over the past few years. Given the limited resources available to them, and the increase in illegal activity, the Caribbean Community could ill-afford to be excluded from international assistance and cooperation. It would oppose any attempt to close the regional office of UNODC and would spare no effort to ensure its continued presence in the region.

19. **Mr. Rodas Suárez** (Bolivia), referring to paragraph 13 of the draft resolution, said that Bolivia did not recognize the concept of "illicit crops". In Bolivia, coca production that was not designated for traditional use was considered surplus production. His Government wished to reiterate its commitment to the fight against the production, trafficking and use of illicit drugs and the abuse of licit drugs, in the context of respect for national sovereignty, human rights and multiculturalism, and in keeping with the principle of shared responsibility. His Government was actively promoting a strategy aimed at gaining international recognition for the value of the coca leaf, which did not have adverse health effects and which played an important role in the culture and traditions of the Bolivian people. However, in a spirit of cooperation and to show its commitment to the fight against drugs, his delegation had joined the consensus on the draft resolution.

20. **Mr. Suárez** (Colombia) said that his delegation wished to express its appreciation for the spirit of cooperation shown by the delegations that had participated in the negotiations on the draft resolution. In particular, he thanked the Mexican delegation for the leadership it had provided.

The meeting rose at 4.10 p.m.